

REMARKS

Claims 1-19 stand rejected. Claims 1, 5 and 8 have been amended. Claims 4 and 7 have been canceled. The Applicant respectfully requests reconsideration in view of the foregoing amendments. No new matter has been added.

Claim Rejections - 35 U.S.C. §112

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, because the term "non-positive joining" in the context of the claim language is deemed unclear. Claim 1 is now amended to replace the term "non-positive joining" with the term "joining." No new matter is introduced by this amendment. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §102

Claims 1-3 and 14-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Leck et al (U.S. Patent 6,420,971).

With respect to claim 1 as now amended, the claimed seal device comprises a seal body and an attachment device for the captive attachment of the seal body to an object to be sealed. The seal body comprises a data carrier including a data transmission device, where the data carrier is designed as a switching circuit. The switching circuit includes an external circuit bridge for connecting two connection points of the switching circuit lead through the attachment device. Additionally, the switching circuit includes an antenna device that is parallel connected to the external circuit bridge and used both as a data transmission device and as a connection to an external energy supply device. Support for these amendments can be found at least in FIGS. 9 and 10 and in the specification as originally filed on page 3, line 29 to page 4, line 5; page 4, line 18-21; page 11, line 10 to page 12, line 15. Claims 5 and 8 were also amended to depend from claim 1 in order to provide proper antecedent basis.

Accordingly, by incorporating an antenna device as part of the switching circuit to function as both a data transmission device and as an energy supply, the seal device of claim 1 is capable of transmitting data independent of the condition of the seal device (e.g., after separation of the external circuit bridge) without the need of an internal energy supply or source. As a result, small and lightweight designs of the seal body become possible. Nether Leck et al. nor

Maloney teach or suggest this feature, which is expressly recited in claim 1 as “the switching circuit further including an antenna device arranged in the seal body, the antenna device being used both as a data transmission device and as a connection to an external energy supply device, the antenna device being parallel connected to the external circuit bridge.”

For example, Leck et al. discuss the use of a battery 20, 48, 120 to power the components of the electronic seals. See Leck et al.: FIGS. 1, 4, 8 and col. 16, lines 15-25, lines 30-41 and col. 20, lines 26-40. Maloney also discusses the use of an “on board battery 139” to power the components of the seal assembly. See Maloney: FIGS. 6-9, col. 8, lines 51-55; col. 9, lines 15-20 and lines 41-45. Although Maloney discusses embodiments in which the seal assembly does not include a battery, Maloney states that communication is lost when the seal assembly of such embodiments is tampered. See Maloney: col. 5, line 65 to col. 6, line 10 and col. 6, lines 41-56.

Thus, neither Leck et al. nor Maloney teach or suggest incorporating an antenna device as part of the switching circuit to function as both a data transmission device and as an energy supply, as recited in claim 1, so that a seal device is capable of transmitting data independent of the condition of the seal device without the need of an internal energy supply or source.

For at least these reasons, claim 1 as now amended is patentable, as it is neither anticipated nor obvious in view of the prior art of record.

By virtue of at least their dependency from claim 1 and the additional features recited therein, it is also believed that claims 2-3, 5-6 and 8-19 are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 1-3, 5-6 and 8-19 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,



Todd A. Gerety
PTO Reg. 51,729
Attorney for the Applicant
Proskauer Rose LLP
One International Place
Boston, MA 02110

Date: July 11, 2008

Tel. (617) 526-9655
Fax (617) 526-9899